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RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2878

PATENT
32860-000214/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Joachim BAUMANN et al. Conf.: 4624
Appl. No.: 09/762,508 Group: 2878
Filed: February 7, 2001 Examiner: A. GAGLIARDI
For: THERMAL WAVE MEASURING METHOD

**NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 10, 2003

09/11/2003 MAILSTOP 00000010 09/02/03

01 FC:1401 320.00 GP

09/11/2003 MAILSTOP 00000010 09/02/03

02 FC:1253 930.00 GP

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated March 10, 2003 of the Primary Examiner finally rejecting claims 1-10.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

Applicants hereby petition for an extension of Three (3) months pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$930.00 is required for the full period of the above-requested extension of time.

☐ An extension of _____ () month(s) for responding to the Final Rejection was previously

requested and paid for on _____. Thus a fee of \$0.00 is required to obtain an additional _____() month(s) for filing the Notice of Appeal.

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$320.00

☐ Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$1250.00.

Payment of the above TOTAL FEE is being made in the following manner:

☒ Check in the amount of \$1250.00 is enclosed.

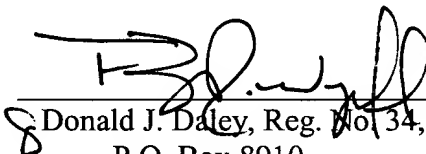
☐ Please charge Deposit Account No. 08-0750 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By


Donald J. Daley, Reg. No. 34,313
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Corres. and Mail

BOX AF

Please type a plus sign (+) inside this box → +



HDP/SB/21 based on PTO/SB/21 (08-00)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

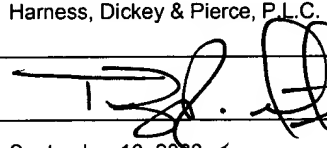
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/762,508	
	Filing Date	February 7, 2001	
	First Named Inventor	Joachim BAUMANN et al.	
	Group Art Unit	2878	
	Examiner Name	A. J. Gagliardi	
Total Number of Pages in This Submission	11	Attorney Docket Number	32860-000214/US

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☒ Fee Attached☒ Amendment / Response☒ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)
(please identify below):**Notice of Appeal**

Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Donald J. Daley	Reg. No.	34,313
Signature	 #46,175				
Date	September 10, 2003				

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below.

Typed or printed name

Signature

Date